United States District Court Southern District of Texas

ENTERED

March 03, 2021 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	CIVIL ACTION NO. 7:20-cv-00434
0.5467 ACRES OF LAND, more or less, in	§	
STARR COUNTY, TEXAS; and JUAN	§	
INDALECIO GARCIA,	§	
	§	
Defendants.	§	

ORDER

The Court now considers "Plaintiff's Unopposed Motion for Continuance of the Joint Discovery/Case Management Plan and the Initial Pretrial and Scheduling Conference Pursuant to Fed. R. Civ. P. 26(f)." Because the motion is unopposed, the Court considers it as soon as practicable.²

The United States requests a continuance of the March 16, 2021, initial pretrial and scheduling conference until after the time period set forth in President Biden's proclamation concerning the border wall.³ The President's proclamation directs numerous heads of executive agencies to "pause work on each construction project on the southern border wall" and to "develop a plan for the redirection of funds concerning the southern border wall . . . within 60 days" from January 20th, which is March 21, 2021.⁴ "The District Court has broad discretion to

¹ Dkt. No. 12.

² LR7.2 ("Motions without opposition and their proposed orders must bear in their caption 'unopposed.' They will be considered as soon as it is practicable.").

³ Dkt. No. 12 at 2, ¶¶ 1−4.

⁴ Proclamation No. 10142, §§ 1–2, 86 Fed. Reg. 7,225, 2021 WL 197402 (Jan. 20, 2021).

stay proceedings as an incident to its power to control its own docket."⁵ The Court finds good cause in the United States' unopposed request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use. The Court accordingly **GRANTS** Plaintiff's motion⁶ and continues the initial pretrial and scheduling conference previously set for March 16th⁷ to **April 13, 2021, at 9:00 a.m.** The remainder of the Court's Order for Conference and Disclosure of Interested Parties remains intact.⁸

IT IS SO ORDERED.

DONE at McAllen, Texas, this 2nd day of March 2021.

Micaela Alvarez United States District Judge

⁵ Clinton v. Jones, 520 U.S. 681, 706 (1997).

⁶ Dkt. No. 12.

⁷ Dkt. No. 4.